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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/014,202

11/13/2001

Srinivas Gutta

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

LASTRA, DANIEL

ART UNIT

PAPER NUMBER

3622

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/014,202

Applicant(s)

GUTTA, SRINIVAS

Examiner

DANIEL LASTRA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-23 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1 and 3-23 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 and 3-23 have been examined. Application 10/014,202 (METHOD AND APPARATUS FOR RECOMMENDING ITEMS OF INTEREST BASED ON PREFERENCES OF A SELECTED THIRD PARTY) has a filing date 11/13/2001.

Response to Amendment

2. In response to Non Final Rejection filed 01/31/2006, the Applicant filed an Amendment on 06/26/2006, which amended claims 1, 3, 7, 17, 18, 22 and 23. Applicant's amendment overcame the Claim 3 objection and Section 112 rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Herz (US 5,758,257).

As per claims 1, 14, 17, 22 and 23, Herz teaches:

A computerized method for recommending one or more available items to a target user, comprising the steps of:

obtaining a history of selecting one or more available items by at least one third party (see column 5, lines 24-54);

partitioning a third party selection history into a plurality of clusters (see column 5, lines 24-54; col 49, lines 1-20). According to Applicant's specification¹, a partition is equivalent to a cluster. Herz teaches clustering (*i.e.* partitioning) the profiles of third party persons viewing history² and combining the viewing profiles of two or more customers, with equal or unequal weightings, so that the video programming with content profiles strictly within the overlap area of the combined customer profiles will be preferred"³

wherein each cluster *comprises* a segment of tangible items that exhibit a characteristic similarity (see Herz column 34, lines 57-60; column 38, lines 10-15; col 49, lines 1-20), wherein each cluster contains items that are closer to the mean of the cluster than any other cluster from among the plurality of clusters (see column 12, lines 29-55; column 37, lines 34-60; column 38, lines 1-55),

modifying a target user's history of selecting said one or more available items with one or more third party clusters to produce a modified target user's history (see column 49, lines 1-20);

processing the modified target user's history to generate a target user profile, wherein the modified target user's history characterizes preferences of the target user as modified to reflect preferences of the third party (see column 49, lines 1-20);

generating a recommendation score for at least one of said available items (see column 5, lines 5-20) based on said target user's profile (see column 49, lines 1-20);
and

¹ Applicant's specification page 7, lines 16-20

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displaying the recommendation score to the target user (see column 49, lines 1-20).

As per claims 3 and 16, Herz teaches:

The method of claim 1, wherein said obtaining step further comprises the step of receiving a user selection of one or more of said clusters of similar items (see column 5, lines 24-54).

As per claim 4, Herz teaches:

The method of claim 1, wherein said one or more items are programs (see column 5, lines 1-20).

As per claim 5, Herz teaches:

The method of claim 1, wherein said one or more items are content (see column 8, lines 20-25).

As per claim 6, Herz teaches:

The method of claim 1, wherein said one or more items are products (see column 47, lines 53-67).

As per claims 7 and 18, Herz teaches:

A computerized method for maintaining a user profile indicating preferences of a user, comprising the steps of:

partitioning a third party selection history into a plurality of clusters, wherein each cluster *comprises* a segment of tangible items that exhibit a characteristic similarity (see column 34, lines 57-60; column 38, lines 10-15), wherein each cluster contains items

² Herz col 38, lines 1-55

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that are closer to the mean of the cluster than any other cluster from among the plurality of clusters (see column 12, lines 29-55; column 38, lines 1-55);

receiving a selection from said user of at least one of said clusters of similar items (see column 5, lines 24-54; column 49, lines 1-20); and

modifying or updating said user profile using said user selected clusters (see column 6, lines 50-55; column 30, lines 10-25).

As per claims 8 and 19, Herz teaches:

The method of claim 7, wherein said user profile is associated with a program content recommender (see column 4, lines 32-57).

As per claims 9 and 20, Herz teaches:

The method of claim 8, wherein said user profile indicates viewing preferences of said user (see column 4, lines 40-47).

As per claims 10 and 21, Herz teaches:

The method of claim 7, wherein said step of updating said user profile further comprises the steps of updating a selection history of said user with items from said selected clusters and updating said user profile using said updated selection history (see column 6, lines 10-60).

As per claim 11, Herz teaches:

The method of claim 7, wherein said one or more items are programs (see column 5, lines 1-21).

As per claim 12, Herz teaches:

³ Herz col 49, lines 1-20

The method of claim 7, wherein said one or more items are content (see column 8, lines 12-22).

As per claim 13, Herz teaches:

The method of claim 7, wherein said one or more items are products (see column 47, lines 52-67).

As per claim 15, Herz teaches:

The system of claim 14, wherein said processor is further configured to partition said third party selection history into clusters containing similar items (see column 5, lines 24-54).

Response to Arguments

4. Applicant's arguments filed 06/26/2006 have been fully considered but they are not persuasive. The Applicant argues that Herz fails to teach "partitioning the viewing history of a third party into clusters and inserting one or more of those clusters into the user's viewing profile to create a modified user's profile". The Examiner answers that according to Applicant's specification⁴ a partition is equivalent to a cluster. Herz teaches clustering (*i.e.* partitioning) the profiles of third party persons viewing history⁵ and combining the viewing profiles of two or more customers, with equal or unequal weightings, so that the video programming with content profiles strictly within the overlap area of the combined customer profiles will be preferred"⁶. Therefore, contrary to Applicant's argument, Herz partition into a plurality of clusters the profiles of third

⁴ Applicant's specification page 7, lines 16-20

⁵ Herz col 38, lines 1-55

⁶ Herz col 49, lines 1-20

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party customers and inserts said profiles into other profiles to create a modified user's profile (*i.e.* overlap area of the combined customer profiles).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra
August 26, 2006


RETTA YEHDEGA
PRIMARY EXAMINER